

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CHRISTOPHER SIMON,

Defendant.

18-CR-390-15 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached materials, which the Court construes to reflect both an application for compassionate release by defendant Christopher Simon and various materials in support. The Court invites Simon's trial counsel to submit a memorandum of law in support of this application. Such a letter is due Tuesday, June 16, 2020. The Government's response is due Friday, June 19, 2020.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 12, 2020
New York, New York

Dear, Honorable Judge Englemayer

I am writing this letter of reference for my good friend Mr. Chris Simon concerning his character. I've had the pleasure of knowing Chris for a year now while participating in the intensive RDAP program here at Fort Dix. As a senior member and graduate of the program I've followed Chris and his progress as a valued member since his arrival in the RDAP program. Chris has been devoted and serious about his treatment and getting his life back on track. His biggest struggle thus far has been his health, especially during this trying time with the pandemic affecting the country and the people here at Fort Dix. Chris has shown his hidden strength by remaining focused on his treatment in RDAP and this is number one goal, where as anyone else would experience great difficulty in doing so. His main objective is completing the program and to return home to his family so they can support him in the greatest battle facing him today, to receive the proper care he deserves and staying alive. Chris has proven to me and many others he's a man with integrity and a big heart. I'm honored to have Chris as a friend and I would strongly suggest consideration for his release not just due to the pandemic but for true compassion and hope for a new lease on life.

Sincerely, Richard Allain
96917038

received
6/11/2020
muj

PG. 1 of 1

5/20/20

YOUR HONOR,

GLORY TO GOD IN ALL THINGS! I AM WRITTING ON BEHALF OF CHRIS SIMON. I HAVE KNOWN MR. SIMON FOR ABOUT A YEAR NOW AND HAVE SEEN HIS PROGRESS IN R.D.A.P. AT FIRST MR. SIMON PRESENTED AS A HARD-HEAD, STUCK IN HIS WAYS AND RESISTENT TO CHANGE. MR. SIMON IS A RARE MAN, HIS KINDNESS CAN NOT BE CALLED INTO QUESTION AS IT IS UNMATCHED IN MY EXPERIENCE. CHRIS HAS PROVEN TO BE A SOURCE OF WISDOM AND GUIDANCE. AS AN OLDER MAN, HE HAS SHARED WITH ME HIS MANY POOR CHOICES AND OUT OF LOVE HAS SAID TO ME "DO NOT COME DOWN THIS ROAD". THERE ARE FEW GREATER FRIENDS THAN THOSE WHO WOULD SHARE THEIR OWN PAIN TO SPARE ANOTHER EVEN THE SHADEW OF THAT PAIN. THE TEST OF MEDICAL ISSUES WITH MR. SIMON IS RATHER LONG, TO DESCRIBE HIM AS MEDICALLY FRAIL WOULD BE ACCURATE. THERE IS NO DOUBT THAT CORONA WOULD KILL MR. SIMON. WERE HE AMONGST THOSE WHO DESERVE A DEATH PENALTY, HE WOULD NOT BE AT A LOW SECURITY PRISON. THE CIRCUMSTANCES OF THE "NEW NORMAL" COULD NOT HAVE BEEN FORESEEN WHEN MR. SIMON WAS SENTENCED. SO, I AM ASKING YOU, IN ALL GOODNESS, SHALL MR. SIMON BE PUT TO DEATH FOR HIS CRIME? YOU HAVE THAT POWER, YOUR HONOR. FT. DTX HAS BEEN CALLED "A DEATH TRAP" AND IS THE CURRENT SUBJECT OF LAWSUIT FILED BY THE A.C.L.U. I AM ASKING YOU TO CONSIDER THE IMMEDIATE RELEASE OF CHRIS SIMON AND NOT SUBJECT HIM TO POSSIBLE DEATH DUE TO EXPOSURE TO COVID-19. MAY THE WILL OF GOD NOT OURS ALWAYS BE DONE. AMEN, SO BE IT!

ΣΟΥΛΟΣ ΤΟΥ ΘΕΟΥ,

BR. ΜΥΧΑΗΛ

- ΤΩ ΑΘΛΩΣ

ST. JOSEPH THE HESYCHAST ORTHODOX
CHRISTIAN BROTHERHOOD

MICHAEL VAY DADATANY

#32854-0688

FCL FT. DTX

PO BOX 2000

FT. DTX, NJ 08640



JW14:6

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To Honorable

Judge, Englemayer

5/19/2020

I, Christopher Simon humbly & respectfully request if you would consider me for early release under the compassionate release program 3582(c)(1) and that you treat this as a formal request for a reduction in my sentence. I believe I am a good Candidate for Compassionate release, because of my severe medical conditions as you may well know. July 3, I'll be sixty two, there are presently 50-60 inmates with COVID-19 here, including several staff. It is a matter of time before it spreads to the whole population. If and when I contract the COVID-19 I will not survive for sure, sir **HIV as well**. I have a compromised immune system and furthermore have been diagnosed with prostate cancer. I have C.O.P.D, have 3 different kinds of inhalers, high blood pressure, enlarged heart, & bipolar disorder. I take 12 medications daily Judge. Despite some difficulty I've enrolled myself in one of the most intense drug programs in the BOP and it is called RDAP.

(2)

I've been in here for nine months I would've graduated this month. But I had a little set back for speaking when I shouldn't have been so brash, about something I didn't feel was right.

I have also been addressing my mental health, seeing a therapist for depression, stress, anxiety. I am truly learning so much about myself your honor I didn't know or want to do a self-evaluation; it has been extremely painful looking at my past. I am now embracing this even with the realisation I have little time in the world.

But whatever is remaining I want to make amends with my daughters & die a free man. I also have a mass in my left lung that may be cancerous and I was supposed to have thoracic surgery in my chest months ago. I am guilty and accountable for my actions in the past. Nevertheless I am no threat to anyone, and I've never hurt anyone knowingly. But with this coronavirus the circumstances are extremely unusual, please consider granting this last opportunity.

(3)

I have tried to reach out to
Mr. Commissioning with no luck.
Mrs. Mabne from this facility has
tried reaching him with no
response.

Sincerely Christopher Simon 10971-054



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
P.O. Box 38
Fort Dix, New Jersey 08640

May 19, 2020

From: D. Curry, Psy.D., DAP Coordinator

Re: The Federal Bureau of Prisons Residential Drug Abuse Program

The Residential Drug Abuse Program (RDAP) is the Bureau of Prisons' most intensive substance abuse treatment programs. It follows the CBT model of treatment wrapped into a modified therapeutic community model in which inmates learn what it is like living in a pro-social community. Inmates live in a unit separate from general population, participate in half-day programming and half-day work, school, or vocational activities. RDAP is typically nine months in duration but can extend longer based on the needs of the inmate and/or therapeutic community. The Bureau and National Institute on Drug Abuse combined funding and expertise to conduct a rigorous analysis of the Bureau's RDAP. Research findings demonstrated that RDAP participants are significantly less likely to recidivate and less likely to relapse to drug use than non-participants. The studies also suggest that the Bureau's RDAPs make a significant difference in the lives of inmates following their release from custody and return to the community.

Following completion of the residential portion of treatment, RDAP participants complete six months in Transitional Drug Abuse Treatment (TDAT) to complete the entirety of the program. That time in the half-way house or home confinement helps to bridge that critical reintegration period back into society. This part of treatment is essential to help reinforce long lasting and gives the offender the opportunity maintain ties to treatment while making the sometimes difficult re-entry into society.

Mr. Christopher Simon will successfully complete the residential portion of RDAP here at FCI Fort Dix, NJ on August 14, 2020. While in treatment, he has done well earning the confidence of staff and his peers. Mr. Simon has demonstrated that he is

invested in change and was committed to the treatment process. He remains invested in both his and his peers' treatment, and has been observed encouraging peers to engage prosocially in the community. Mr. Simon consistently presents with a positive attitude, and has been an influential and active member within the community throughout the duration of his time housed in the RDAP unit.

Please do not hesitate to contact me if you require further information regarding the RDAP. I may be reached at 609-723-1100, ext. 6869.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Curry', is written above the typed name.

D. Curry, Psy.D.

Residential Drug Abuse Program Coordinator

BP-S358.060
SEP 05

MEDICAL TREATMENT REFUSAL

CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

3-19-2020

Date

I, CHRISTOPHER SIMON 10971-054, refuse treatment recommended by the Federal Bureau of Prisons Medical staff for the following condition(s):

DESCRIBE CONDITION IN LAYMAN'S TERMINOLOGY:

treatment for prostate cancer and evaluation for his lung mass

The following treatment(s) was/were recommended:

Pt was advised he needs treatment for his cancer of the prostate and workup for the lung mass. He is refusing because he is doing the RDAP program which shorten his sentence and would not like to be transferred at this time.

Federal Bureau of Prisons Medical staff members have carefully explained to me that the following possible consequences and/or complications may result because of my refusal to accept treatment:

Pt was explained the consequences of delaying treatment and diagnosis. The consequences are worsening of his condition and even death

I understand the possible consequences and/or complications, listed above, and still refuse recommended treatment. I hereby assume all responsibility for my physical and/or mental condition, and release the Bureau of Prisons and its employees from any and all liability for respecting and following my expressed wishes and directions.

CHINWALLA, F. DO3-19-2020

Counseled by

Date

Chris Simon 3-19-20
Patient's Signature Date

Stef LPC

3-19-2020

Signature of Witness

Date

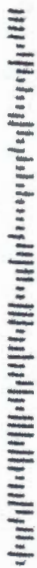
FTD--FORT DIX FCI

Christopher Simon 10971 054
Fort Dix
P.O. Box 2000
Joint Base MDL, NJ, 08640
Bldg. 5852

Hon. Paul A. Engelmayer
40 Foley Square Room 1305
New York, New York 10007

NY
JUN 10 2020
SDNY

10007-150299



Received
6/11/2020
my

